

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN BROADCASTING COMPANIES, INC. ET :
AL,

Plaintiffs,

X

-v-

12 Civ. 1540 (AJN)

ORDER

AEREO, INC.,

Defendant,

X

WNET ET AL,

Plaintiffs,

X

-v-

12 Civ. 1543

AEREO, INC.,

Defendant,

X

ALISON J. NATHAN, District Judge:

The Court has received a letter request from Aereo on May 3, 2012, that the Court strike the declarations of Plaintiffs' experts, a letter in opposition from Plaintiffs on May 4, 2012, and a brief reply from Aereo on May 4, 2012. The Court heard the parties telephonically, on the record, on May 7, 2012, at 11:00 am.

The Court has reviewed the parties' proposed redactions to these letters, as well as the brief cover letters relating to the basis for these proposed redactions. No later than May 9, 2012, any party that contends that the letters themselves, as opposed to the exhibits thereto, contain confidential information shall provide the Court with a letter explaining in detail the basis of this contention.

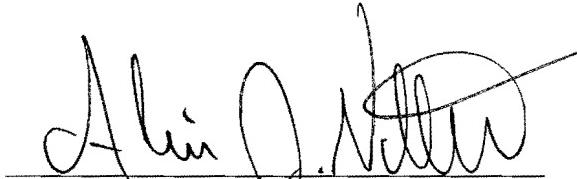
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DOC #: <u>12 Civ. 1540</u>
DATE FILED: <u>MAY 07 2012</u>

Aereo's request that the Court strike the declarations of Plaintiffs' experts Drs. Volakis and Kelly is denied. To the extent they have not already done so, Plaintiffs shall produce to Aero all non-privileged materials relating to Dr. Volakis's analysis of Aereo's system or otherwise relating to his expert declaration no later than 2:00 pm, May 8, 2012. Plaintiffs shall make Dr. Volakis available at a time convenient for Aereo on or before May 11, 2012, for a four hour deposition in Boston relating to any additional testing conducted by Dr. Volakis following the service of his expert report, including the testing disclosed in paragraphs 78 to 84 of his expert report.

The deadline for Aereo to file its opposition brief and supporting materials in response to Plaintiffs' request for a preliminary injunction, currently set for May 15, 2012, is extended to May 18, 2012. The deadline for Plaintiffs' reply brief, currently set for May 21, 2012, is extended to May 23, 2012, at 2:00 pm.

SO ORDERED:

Dated: May 7, 2012
New York, New York



ALISON J. NATHAN
United States District Judge